

## REMARKS

Applicants respectfully request reconsideration of the present application, as amended, and consideration of the following remarks.

Claims 1-25 and 28-31 are pending in the application. Claims 1-25 and 28-31 are rejected.

Claims 1, 3, 5, 6, 22, 25, and 28 have been amended and claim 2 has been cancelled.

Applicants have amended their application as indicated above and respectfully request entry of the amendment under 37 C.F.R. § 1.116 since the amendment places the application in condition for allowance and/or better condition for appeal as set out below. Support for the amendments can be found in the specification, claims, and drawings as originally filed. In view of the above listed support for the amendments, it is respectfully submitted that the amendments do not add new matter.

### Claim Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 1-25, and 28-31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In particular, the Examiner has stated that:

“Claims 1, 22, 25, and 28 require that R’ is not a reaction product of a reaction between an oxirane group and an hydroxyl group. There is nothing in the written specification, figures or the original claims prohibiting forming the organic linkage, R’, by a reaction between an oxirane group and an hydroxyl group.”

(pg. 2, Office Action 12/11/03)

Amended claims 1, 22, 25, and 28 now include the limitation that R2 is a reactive organic functional group selected from the group consisting of an isocynate group and a carbonyl chloride group. As discussed in the Response mailed September 22, 2003, Keehan teaches that the organic linkage between the silicon particles to other parts of the oxirane moiety is a reaction

product between an oxirane group and a hydroxyl group. Keehan fails to teach or suggest that the organic linkage is an isocynate group or a carbonyl chloride group.

Accordingly, Keehan does not teach or suggest all limitations of claims 1, 22, 25, and 28. Therefore, it is respectfully submitted that claims 1, 22, 25, and 28 cannot be anticipated or rendered obvious by Keehan.

Further, claims 1, 22, 25, and 28 have been amended to recite that the epoxy-based resin includes the oxirane grafted silica particles. It is respectfully submitted that by virtue of this amendment, claims 1, 22, 25, and 28 are now consistent with the specification of the subject application.

The Examiner rejected claim 2 under 35 U.S.C. § 112, second paragraph. However, this rejection is now moot, since claim 2 has been cancelled. Further, claims 3-8 that were rejected under 35 U.S.C. § 112 by virtue of being dependent on claim 2, are now compliant with 35 U.S.C. § 112 since claim 2 has been cancelled.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Vani Moodley at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 5/10/, 2004

  
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Vani Moodley,  
Limited Recognition Under 37 CFR § 10.9(b)

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